

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Safety-Kleen Systems, Inc.
10651 Hickson Street
El Monte, California 91731
CAT 000 613 893

Respondent.

Docket HWCA 2006 1205

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Safety-Kleen Systems, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, and/or stores hazardous waste at the following site: 10651 Hickson Street, El Monte, California, 91731(site).

1.3. Inspection. The Department inspected Respondent on April 13 and 14, 2006.

1.4. Authorization Status. The Department authorized Respondent to manage hazardous waste by Permit issued on February 1, 1993. Respondent is currently in the process of having the Permit renewed and modified.

1.5. Jurisdiction. Health and Safety Code section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violation alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to

this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.2. Respondent violated California Code of Regulations, title 22, section 66264.16, subsection (c), in that on or about April 13, 2006 a Respondent personnel failed to take part in an annual review of the initial training required in section 66264.16, subsection (a).

2.3. Respondent violated California Code of Regulations, title 22, section 66263.20, in that on or about April 13, 2006, Respondent accepted hazardous waste from generator without an accompanying manifest.

2.4. A dispute exists regarding the alleged violations.

2.5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violations set forth above. Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein.

3.1.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order.

Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. The Respondent shall pay the Department a total penalty of \$6,000.

5.2. Payment of \$6,000 specified in paragraph 5.1 is due within 30 days from the effective date of this order.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Roberto Kou, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, CA 91201

and

Ramon Perez, Esq.
Office of Legal Affairs
Department of Toxic Substances Control
9174 Sky Park Court, Suite 150
San Diego, California 92123

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: December 21, 2006

Original signed by Virgil Duffie, Assistant
Secretary & Legal Counsel

Respondent

Dated: January 3, 2007

Original signed by Robert Kou
Roberto Kou, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control